

# VIRGINIA STATE CRIME COMMISSION

## 2019 INTERIM EXECUTIVE SUMMARY OF ACTIVITIES

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The Virginia State Crime Commission was established within the legislative branch of government in 1966. The Crime Commission is a criminal justice agency as defined by Virginia Code § 9.1-101, and is authorized to study, report, and make recommendations on all areas of public safety and protection (Virginia Code § 30-156 *et seq.*). The Crime Commission consists of thirteen members – six members of the House of Delegates, three members of the Senate, three non-legislative citizen members appointed by the Governor, and the Attorney General or his designee.

During 2019, Crime Commission staff continued work on several studies, including the Post-Conviction DNA Notification Project, the Virginia Pre-Trial Data Project, commercial sex trafficking, and fingerprinting of defendants. Additionally, staff spent a significant amount of time examining mass killings and gun violence as a result of legislation referred to the Crime Commission during the July 2019 Special Session of the General Assembly.

The Crime Commission held a two-day briefing in August to review mass killings and gun violence. Members heard presentations from federal and state agencies and prominent researchers on the first day, and testimony from bill patrons, organizations, interest groups, and members of the general public on the second day.<sup>1</sup>

At the October Crime Commission meeting, staff presented on the completion of the Post-Conviction DNA Notification Project.<sup>2</sup> This issue emerged in 2001 when over 530,000 archived case files containing biological evidence swabs were discovered at the Department of Forensic Science (DFS). After six individuals were exonerated of rape based on post-conviction DNA testing of evidence found in these case files, a full scale review of the archived case files began. In 2008, the General Assembly directed the Forensic Science Board to “ensure that all individuals who were convicted due to criminal investigations, for which its case files for the years between 1973 and 1988 were found to contain evidence possibly suitable for DNA testing, are informed that such evidence exists and is available for testing.”<sup>3</sup> As a member of the Forensic Science Board, the Crime Commission’s Executive Director was appointed to Chair the Board’s DNA Notification Subcommittee. Over the last decade, Crime Commission staff spent an incredible amount of time assisting with notification efforts by reviewing DFS case files, verifying convictions with clerks of court, visiting numerous courthouses to review case files, and performing hundreds of searches of Virginia’s and other states’ online sex offender registries, inmate locator resources, obituaries, and national people finder and public record search tools. This Project involved the cooperation and assistance from multiple state agencies, local government officials, the Mid-Atlantic Innocence Project, pro bono attorneys, law school student volunteers, associations, non-profit organizations, and law firms. Staff also spent an enormous amount of time preparing certified and first-class letters for mailing to individuals requiring notification, oftentimes resulting in multiple attempts to locate individuals. As a result of the DNA testing of evidence contained in the archived

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<sup>1</sup> The Virginia State Crime Commission’s *Report on Mass Killings and Gun Violence* is available at <http://vscc.virginia.gov/2019/VSCC%20FINAL%20REPORT%20Mass%20Killings%20and%20Gun%20Violence.pdf>.

<sup>2</sup> The Virginia State Crime Commission’s presentation on the Post-Conviction DNA Notification Project is available at <http://vscc.virginia.gov/2019/October/DNANotificationPowerPoint.pdf>.

<sup>3</sup> Item 408 B of Chapter 879 of the 2008 Virginia Acts of Assembly.

case files, notification efforts, and follow-up legal actions, 13 individuals were ultimately exonerated and at least 16 “hits” were made to DNA profiles of offenders who were not named in the DFS case file. Based upon the efforts of Crime Commission staff and numerous other stakeholders, all individuals eligible for notification were ultimately notified, determined to be deceased, or had all leads exhausted in attempting to locate them.

Members also heard presentations on two additional topics at the October meeting: sex trafficking and statewide data systems integration. Several agencies provided updates on the progress of last year’s recommendations to address commercial sex trafficking, as well as their plans for the upcoming year. The Chief Data Officer also gave a report on the data governance project being implemented by the newly created Data Sharing and Analytics Advisory Committee.

In December, the Crime Commission published its report on the *Virginia Pre-Trial Data Project Preliminary Findings*.<sup>4</sup> This Project is an unprecedented, collaborative effort between numerous state and local agencies representing all three branches of government to examine matters related to the pre-trial process. As part of this Project, a cohort of 22,993 adult defendants charged with a criminal offense during a one-month period (October 2017) was identified and tracked during the pre-trial period until final case disposition or December 31, 2018, whichever came first. Two specific outcomes were tracked in order to evaluate the effectiveness of pre-trial release mechanisms: public safety and court appearance. A preliminary statewide descriptive analysis was conducted of the 9,504 defendants in the cohort who were released on bond (personal recognizance, unsecured, and secured) during the pre-trial period. This preliminary analysis included whether the defendant was placed on pretrial services agency (PSA) supervision as a condition of bond and whether the criminal charges from the October 2017 contact event were heard in a locality served by a PSA during the October 2017 timeframe. Ultimately, when this Project is complete, the dataset will provide a baseline of pre-trial process measures across the Commonwealth and can serve as a source to inform policy decisions throughout the pre-trial process.

Crime Commission members endorsed legislation related to sex trafficking and fingerprinting of defendants for introduction during the Regular Session of the 2020 General Assembly. This legislation included revisions to the sex trafficking assessment by local social services departments, prohibiting acts of manual stimulation related to prostitution offenses, ensuring that fingerprints are taken and convictions are reported when a defendant is convicted of a DUI-related offense charged via summons, and authorizing law enforcement agencies to take fingerprints after a defendant is found in violation of the terms or conditions of a suspended sentence or probation.

Additionally, the Executive Director of the Crime Commission serves as a member of the Forensic Science Board, the Indigent Defense Commission, and the Advisory Committee on Sexual and Domestic Violence.

The Crime Commission will publish its 2019 Annual Report by June 30, 2020. Additional information about the Crime Commission is available on the agency website at <http://vscc.virginia.gov>.

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<sup>4</sup> The Virginia State Crime Commission’s report on the *Virginia Pre-Trial Data Project Preliminary Findings* is available at <http://vscc.virginia.gov/images/VSCC%20Pre-Trial%20Data%20Project%20Preliminary%20Findings.pdf>.